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16 Attorneys for Plaintiffs KELLY TOPPING and MAX

17 WADMAN

18 * *Counter-Defendant's and Defendants' counsel listed after the caption.*

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 MAX WADMAN and KELLY TOPPING,

22 Plaintiffs,

23 v.

24 DISCOVERY BAY YACHT HARBOR,
LLC and KEN HOFMANN,

25 Defendants.

26 Case No. C14-5035 WHA

27 JOINT REQUEST FOR ORDER OF
CONDITIONAL DISMISSAL; AND
[PROPOSED] ORDER THEREON

28 DISCOVERY BAY YACHT HARBOR,
LLC,

29 Counter-Claimant,

30 v.

31 KELLY TOPPING,

32 Counter-Defendant.

33 COX, WOOTTON,
LERNER, GRIFFIN
HANSEN, LLP

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36 DBYH.Topping

37 Case No. C14-5035 WHA

38 [PROPOSED] ORDER FOR CONDITIONAL DISMISSAL

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19 Attorneys for Defendant/Counterclaimant
20 DISCOVERY BAY YACHT HARBOR, LLC,
21 and Defendant KEN HOFMANN, individually

22 **JOINT REQUEST FOR CONDITIONAL DISMISSAL OF CASE; AND**
23 **[PROPOSED] ORDER THEREON**

24 COMES NOW Plaintiff/Counter-Defendant Kelly Topping, Plaintiff Max Wadman,
25 Defendant/Counter-Claimant Discovery Bay Yacht Harbor, LLC, and Defendant Kenneth Hofmann,
26 being all of the parties to the above captioned litigation, appearing by and through their respective
27 counsel of record, and hereby confirm that this matter and all the claims made herein or which could
28 have been made herein have been settled between the parties, that the Settlement was placed on the
record before Magistrate Judge Elizabeth Laporte on Friday, March 11, 2016, and that all that
remains to complete the settlement is for the defendants to pay the settlement amounts agreed on the
record in three separate checks made payable respectively to “Kelly Topping”, “Max Wadman, and
“The Law Offices of Paul L. Rein” on or before April 11, 2016. The parties jointly request that
unless any party notifies the Court by 5:00 PM, April 18, 2016 that such settlement consideration has

1 not been so paid as agreed or settlement checks have not cleared, that the Court dismiss this case in
2 its entirely, with prejudice, with each party to bear their own fees and costs.

3 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

4
5 Dated: March 18, 2016

LAW OFFICES OF PAUL L. REIN
6 Attorneys for Plaintiff/Counterdefendant
7 KELLY TOPPING and Plaintiff MAX
8 WADMAN

9
10 By: /s/ Celia McGuinness
11 Celia McGuinness

12
13 Dated: March 18, 2016

STRATMAN, PATTERSON & HUNTER
14 Attorneys for Counterdefendant
15 KELLY TOPPING

16 By: /s/ Robert M. Maltz
17 Robert M. Maltz

18
19 Dated: March 18, 2016

COX, WOOTTON, LERNER,
20 GRIFFIN & HANSEN, LLP
21 Attorneys for Defendant/Counterclaimant
22 DISCOVERY BAY YACHT HARBOR LLC, and
23 Defendant KEN HOFMANN

24 By: /s/ Christopher S. Kiegler
25 Christopher S. Kiegler

26 Pursuant to Local Civil Rule 5.1, this ECF filer hereby attests that he has on file all holographic
27 signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-
28 filed document.

29 Pursuant to stipulation and for Good Cause appearing, IT IS HEREBY ORDERED:

30 That in light of the settlement of this matter that was placed on the record before Magistrate Judge
31 Elizabeth Laporte on Friday, March 11, 2016, and based on the representation of all counsel of
32 record that all that remains to complete the settlement is for the defendants to pay the settlement

amounts that were agreed on the record, by means of three separate checks made payable respectively to "Kelly Topping", "Max Wadman, and "The Law Offices of Paul L. Rein" on or before April 11, 2016:

1. The Court hereby conditionally dismisses this action, and unless any party notifies the Court by 5:00 PM, April 18, 2016 that the agreed upon settlement consideration has not been so paid as agreed, or settlement checks have not cleared, then this conditional dismissal shall become a final dismissal of this case in its entirely, with prejudice, and with each party to bear their own fees and costs;
 2. The March 31, 2016 hearing for plaintiffs' motion for partial summary adjudication is hereby vacated;
 3. The April 6, 2016 pre-trial conference in this matter is hereby vacated; and
 4. The April 11, 2016 trial date in this matter is hereby vacated.

DATED: March 21, 2016.


United States District Judge William Alsup